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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/330,792 | 06/11/1999 | EDWARD B. KNUDSON | UV-56 | 9835 |

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| EXAMINER |
|---|
| BROWN, RUEBEN M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2611 | 11 |

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/330,792 | KNUDSON, ET AL | |
| | Examiner | Art Unit | |
| | Reuben M. Brown | 2611 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *43-63,65-85,127-146,148-168,210-230 and 232-252* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *43-63,65-85,127-146,148-168,210-230 and 232-252* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 43, 127 & 210 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 43-44, 46-59, 62, 66-77, 127-128, 130-142, 145, 149-160, 210-211, 213-226 & 233-244 are rejected under 35 U.S.C. 102(b) as being anticipated by Young, (U.S. Pat # 4,706,121).

Considering claims 43, 62, 127, 145, 210 & 229, the amended claimed interactive TV program guide system or method for displaying TV programs, in which TV programs are displayed on a user TV equipment of a plurality of users comprising a means for storing program listings for a plurality of channels and time slots is met by Young, col. 9, lines 50-55 & col. 12, lines 12-18. The amended claimed means for allowing a user to select an option that scheduled a

TV program to be broadcast on a particular TV channel at a particular time to be recorded is met by Young, col. 15, lines 21-27. The additionally claimed feature of a means for automatically searching through the program listings for programs on a plurality of channels and a plurality of time slots that are part of a series of TV programs that includes the TV program selected for recording is also met by Young col. 15, lines 28-40.

As for the additionally claimed feature of a means for displaying an option g to schedule a recording of any combination of TV programs in the series of TV programs, the claimed feature is broad enough to read on the disclosure of Young that teaches that the schedule may be programmed to respond to either a single episode or all programs of a series, col. 15, lines 28-32.

Considering claims 44, 128 & 211, the Young is directed to recording using the user equipment.

Considering claims 46-48, 130-132 & 213-215, the EPG in Young is at least partially stored on a server, since it is transmitted from a server to subscribers in the system. Furthermore, Young teaches a user selecting TV programs for record/reminder; see col. 15,lines 21-40.

Considering claims 49-53, 133-136 & 216-220, Young teaches a plurality of record options for selecting episodes or series of TV programs; see col. 15, lines 20-40; col. 15, lines 60-67 & col. 16, lines 1-15.

Considering claims 54, 137 & 221, Young also teaches a reminder option, col. 15, lines 20-27.

Considering claims 55, 138 & 222, Young enables user to record a single episode of a TV programs, col. 15, lines 28-30.

Considering claims 56-59, 139-142, 223-226, the claimed subject matter reads on the option, provided in Young for recording all programs in a series of TV programs.

Considering claims 66-73, 75, 149-156, 158, 233-240 & 242, Young teaches that the user is enabled to update the list of programs selected to be recorded, wherein the current list of programs to be recorded is displayed for the user; see col. 16, lines 18-38.

Considering claims 74, 76-77, 157, 159-160, 241 & 243-244, Young teaches that the scheduled recordings, episodes and/or entire series of TV programs may by deleted in the system, col. 15, lines 41-42; col. 16, lines 28-37.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 45, 129 & 212 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, in view of Lawler, (U.S. Pat # 5,805,763).

Considering claims 45, 129 & 212, Young does not teach recording programs at a server. However, Lawler teaches that a user is optionally enabled to instruct a recording device at a head-end server to record and store a selected program, col. 10, lines 56-59. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Young with the feature of recording programs at a head-end as taught by Lawler, at least for the desirable advantage of preserving storage capacity at the user equipment, since the server would have access to more store devices, i.e., capacity.

6. Claims 60-61, 63, 65, 143-144, 146, 148, 227-228, 230 & 232 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, in view of Wood, (U.S. PGPUB 2002/0057893).

Considering claims 60-61, 63, 65, 143-144, 146, 148, 227-228, 230 & 232, Young does not teach delineating recordings based upon first-run or re-run status, syndicated or previously unrecorded status. Nevertheless, Wood teaches such features, Paragraph 103. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Young with the feature of recording first-run or re-rerun status programs, as taught by Schindler, at least for the known desirable advantage providing the subscriber with more flexibility in the TV programs that may be reserved for recording.

7. Claims 78-85, 161-168 & 245-252 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, in view of Marsh, (U.S. Pat # 6,208,799).

Considering claims 78-85, 161-168 & 245-252, Young does not discuss the well-known problem of resolution of timing conflicts among programming reserved to be recorded. However, Marsh discloses the known problem and solutions to the timing conflicts, (Abstract; col. 11, lines 1-40). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Young with the teachings of Marsh resolving timing conflict, at least for the desirable improvement of providing the subscriber with a more efficient recording process.

Regarding claims 84, 162, 167, 246 & 251, Official Notice is taken that at the time the invention was made, the simultaneous watch & record feature was known. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Young

& Marsh, not displaying conflicts when at least program can be watched while the other recorded, at least for he known purpose of avoiding concerning the subscriber unnecessarily with issues that can be resolved with input.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | | |
|---|---|---|
| A) | Hallenbeck | Teaches recording series of programs, col. 2, lines 40-42. |
| B) | Schindler | Teaches avoiding copying duplicate programs, col. 4,lines 15-20. |

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**or faxed to:**
(703) 872-9314, (for formal communications intended for entry)
**Or:**
(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600